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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER	
NGUYEN, DUC MINH	

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/039,220	KO ET AL.	
	Examiner	Art Unit	
	Duc Nguyen	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-62* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-15,37-53,61 and 62* is/are allowed.

6)☒ Claim(s) *16-36 and 54-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim16-20, 25-33, 35-36, 54, 56-57, 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasin et al (6,011,830).

Consider claims 30, 54. Sasin teaches a method of using a mobile communications device to facilitate testing a digital mobile phone network, comprising controlling the mobile communications device to send test traffic over the digital mobile phone network (figs. 1a, 2a-b, 3a; col. 6, ln. 51-58; col. 12, ln. 20-54; col. 13, ln. 4-35); receiving traffic from the digital mobile phone network using the mobile communications device (col. 14, ln. 7-47); measuring at least one parameter associated with the received traffic to provide traffic parameter measurement data (col. 13, ln. 4-35); and inserting traffic parameter measurement data into the test traffic, to thereby facilitate testing of the digital mobile phone network (col. 13, ln. 14-17).

Consider claims 16-18, 25-29, 31-32, 35-36, 57, 59. Sasin further teaches providing test traffic data from a test traffic data supply (col. 10, ln. 33-43; col. 13, ln. 14-17;); coding the test traffic data for transmission over the digital mobile phone network (col. 13, ln. 14-17); coding the measurement data for transmission over the digital mobile phone network (col. 13, ln. 14-17); interleaving the code test traffic and measurement data (col. 13, ln. 14-17); and providing the interleaved data to a mobile communication device driver (TCG, TCE; col. 14, ln. 7-40) for

controlling the mobile communications device to send the interleaved data over the digital mobile phone network (figs. 1a, 2a-b, 3a; col. 6, ln. 51-58; col. 12, ln. 20-54; col. 13, ln. 4-35).

Consider claims 19-20. col. 30, ln. 39 to col. 31, ln. 3 read on the limitations of this claim.

Consider claim 33. Col. 13, ln. 48-59 and col. 14, ln. 48-67 read on the limitations of this claim.

Consider claim 56. Col. 13, ln. 48-59 and col. 14, ln. 48-67 read on the limitations of this claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 21-22, 24, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasin et al (6,011,830) in view of Tiedemann , Jr. et al (5,802,105).

Consider claims 21-22, 34. Sasin does not clearly teach a data driver and test traffic comprises packetised data traffic.

Tiedemann teaches a data driver and test traffic comprises packetised data traffic (col. 5, ln. 30 to col. 14, ln. 29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Tiedemann into the teachings of Sasin in order to

provide an improved system for quantitatively evaluating the quality of communication channels within a digital communication system.

Consider claim 24. Sasin in view of Tiedemann teaches test generator to provide testing signals to drive a mobile communication device. Therefore, it would have been obvious that the system as taught by Sasin in view of Tiedemann also can drive an unmodified consumer mobile communication device.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sasin et al (6,011,830) in view of Tiedemann , Jr. et al (5,802,105) as applied to claims 16, 21 above, and further in view of Matusevich et al (6,535,733).

Consider claims 23. Sasin in view of Tiedemann does not teach that the measured traffic parameters is selected from a group comprising data rate, bit error ratio and data delay parameters.

Matusevich teaches the measured traffic parameters are selected from a group comprising data rate, bit error ratio and data delay parameters (see the entire abstract; col. 3, ln. 40-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Matusevich into the teachings of Sasin in view of Tiedemann, so that in using the measurement radio architecture, the mobile terminal customer would see improved voice and call quality resulting from the seamless handoffs and the passing of operating information from the measurement radio for use by the traffic radios to achieve improved performance.

6. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sasin et al (6,011,830) in view of Matusevich et al (6,535,733).

Consider claim 55. Sasin does not teach that the measured traffic parameters are selected from a group comprising data rate, bit error ratio and data delay parameters.

Matusevich teaches the measured traffic parameters are selected from a group comprising data rate, bit error ratio and data delay parameters (see the entire abstract; col. 3, ln. 40-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Matusevich into the teachings of Sasin, so that in using the measurement radio architecture, the mobile terminal customer would see improved voice and call quality resulting from the seamless handoffs and the passing of operating information from the measurement radio for use by the traffic radios to achieve improved performance.

7. Claims 58, 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasin et al (6,011,830) in view of Alajoki et al (6,285,875).

Consider claims 58, 60. Sasin does not teach outputting a graphical representation of the decoded information and the mobile communication system operation information associated with the traffic from which the information was decoded.

Alajoki teaches outputting a graphical representation of the decoded information and the mobile communication system operation information associated with the traffic from which the information was decoded (see the entire abstract; col. 2, ln. 63 to col.3, ln. 12; col. 5, ln. 1-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Alajoki into the teachings of Sasin in order to provide a system which makes traffic management easier by providing a visually illustrative representation of traffic intensity and changes therein in practically real time. The system should be possible to couple to an MSC of any manufacturer, without need to change its internal functions.

Allowable Subject Matter

8. Claims 1-15, 37-53, 61-62 are allowed over the prior art of record.

Response to Argument

Regarding the Sasin reference, applicant states "it is clear from this statement that these traffic parameters are not being sent over the digital mobile phone network either as test traffic or in any other way." In contrast to applicant's assertions, Sasin teaches that the TCG generates test commands, which are executed by the TCE on the hardware components of the test telephone network (column(s) 13, line(s) 48-59). Sasin further teaches that the TCG-E also obtains feedback via signals from the test system as a response to the statistically generated test commands (column(s) 14, line(s) 7-47). Sasin also teaches that on the basis of the test state model, the TCG therefore statistically generates successive changes in state, generates the associated test commands and evaluates the signals feedback by the test telephone network in relation to the expected signal (column(s) 14, line(s) 41-47). According to figs. 3a, a closed loop test is formed between the TCG and the SUT or telephone network. In other words, the feedback

data is used to generate test commands. Figs. 2b further shows that the telephone network can be a mobile telephone network.

In response to applicant's argument regarding the explicit links in figs. 1a, 2b, 2c, and 3a, it is noted that the languages of claim 30 do not exclude the use of any explicit links.

In response to applicant statement "applicant cannot find where Sasin teaches test traffic and coded information as recited in claim 54." Again, column(s) 13, line(s) 36 to column(s) 14, line(s) 47 clearly read on the limitations of claim 54. It is noted that the TCG and TCE are computer based testing systems that encode the traffic parameters into testing commands and transmit these testing data to the telephone network.

In response to applicant's argument regarding to claims 57 and 59, it is noted that the TCG and TCE are computer based testing systems that encode the traffic parameters into testing commands and transmit these testing data to the telephone network. Figs. 3a shows that a closed loop test is formed between the TCG and the SUT or telephone network. Therefore, the TCG clearly captures and analyzes data feedback from the SUT.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is 703-308-7527. The examiner can normally be reached on 7:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Duc Nguyen
Primary Examiner
Art Unit 2643

11/12/04